

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DAMON L. SMITH

Petitioner,

v.

CASE NO. 04-74233  
HON. LAWRENCE P. ZATKOFF

BLAINE LAFLER,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR RELIEF  
FROM JUDGMENT**

On January 3, 2006, Petitioner filed a Motion for Relief from Judgment pursuant to Rule 60(b)(1). Petitioner asserts that the Court mistakenly asserted that Petitioner had failed to object to the Magistrate's Report and Recommendation. After reviewing its file, the Court agrees that it failed to note the receipt of Petitioner's December 14, 2005 Objections. Nevertheless, the Court has since reviewed Petitioner's objections and finds that they are without merit. Accordingly, the Court HEREBY DENIES Petitioner's Motion for Relief from Judgment.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: January 19, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on January 19, 2006.

s/Marie E. Verlinde

Case Manager  
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